

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

LEON WEINGRAD, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

TOP HEALTHCARE OPTIONS
INSURANCE AGENCY INC.
f/k/a “NATIONAL HEALTH
ENROLMENT CENTRE”

Defendant.

Case No.

2:23-CV-05114

**CLASS ACTION
JURY TRIAL DEMANDED**

**REQUEST FOR CLERK’S ENTRY OF DEFAULT AGAINST DEFENDANT
TOP HEALTHCARE OPTIONS INSURANCE AGENCY INC.**

COMES NOW Plaintiff Leon Weingrad, by and through the undersigned counsel, pursuant to FED. R. CIV. P. 55(a), and hereby files this Motion for Clerk’s Entry of Default against Defendant Top Healthcare Options Insurance Agency Inc. in the above-styled action. Plaintiff respectfully requests that the Clerk of Court enter default as the Defendant has failed to serve or file an answer to Plaintiff’s claims in this action within the time permitted by law or otherwise.

Federal Rule of Civil Procedure 12(a), entitled “Time to Serve a Responsive Pleading,” provides in pertinent part that “[a] defendant must serve an answer within 21 days after being served with the summons and complaint.” FED. R. CIV. P. 1(a)(1)(A)(i). Federal Rule of Civil Procedure 55(a), entitled “Entering a Default,” provides that “[w]hen a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise, the clerk *must* enter the party’s default.” FED. R. CIV. P. 1(a)(1)(A)(i) (emphasis added).

Here, the Plaintiff filed his Amended Complaint on June 28, 2024. (See ECF No. 12.) Defendant Top Healthcare Options Insurance Agency Inc. was served with the Summons and Complaint on July 2, 2024. (See ECF No. 14.) Accordingly, Defendant's responsive pleading was due on July 23, 2024. Defendant did not file a response as of July 24, 2024. Accordingly, the Plaintiff requests that the Clerk enter the Defendant's default pursuant to FED. R. CIV. P. 55(a).

CONCLUSION

WHEREFORE, for the reasons set forth herein, the Plaintiff respectfully requests that the Clerk of Court enter default against the Defendant pursuant to FED. R. CIV. P. 55(a).

RESPECTFULLY SUBMITTED AND DATED this July 24, 2024.

/s/ Andrew Roman Perrong
Andrew Roman Perrong, Esq.
(Pro Hac Vice)
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Glenside, Pennsylvania 19038
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CERTIFICATE OF SERVICE

I certify that I filed the foregoing via ECF on the below date.

I further certify that I mailed a copy of the foregoing to:

Top Healthcare Options Insurance Agency Inc.
500 Fairway Drive Suite 102
Deerfield Beach, FL 33441

and

Top Healthcare Options Insurance Agency Inc.
c/o: Richard Sargent
9316 Boca Gardens Pkwy Apt C
Boca Raton, FL 33496

and

Top Healthcare Options Insurance Agency Inc.
c/o: Becker & Poliakoff
1 East Broward Blvd., Suite 1800
Ft. Lauderdale, FL 33301

and via email to richard.sargent@tophealthcareoptions.com,
tiffanie.gonzalez@tophealthcareoptions.com, TCONSULTING0001@GMAIL.COM, and
EBerger@beckerlawyers.com

Dated: July 24, 2024

/s/ Andrew Roman Perrong
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